

APPEAL NO. 040208
FILED MARCH 18, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 12, 2004. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) reached maximum medical improvement on December 1, 1992, with a 29% impairment rating. Neither the claimant nor the respondent (carrier) appealed the hearing officer's decision. However, Dr. E, the claimant's treating doctor, submitted a letter contesting the hearing officer's decision and attached medical documentation to the letter, some of which was not admitted into evidence at the hearing. The carrier responded to Dr. E's letter, asserting that the letter is not sufficient for appeal purposes because Dr. E was not a party to the proceeding and because the letter was not signed by the claimant. Alternatively, the carrier contends that the new evidence attached to the letter should not be considered on appeal and that the hearing officer's decision should be affirmed.

DECISION

Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § Rule 143.3 (Rule 143.3) provide "a party to a benefit contested case hearing" may request review of the hearing officer's decision. Rule 140.1 defines party to a proceeding as "a person entitled to take part in a proceeding because of a direct legal interest in the outcome." There is no indication that Dr. E was a party to the case; that he is a subclaimant pursuant to Section 409.009; or that the claimant had knowledge of and consented to Dr. E's appeal on the claimant's behalf. For these reasons, Dr. E's letter does not constitute an appeal on behalf of the claimant and will not be given consideration.

The true corporate name of the insurance carrier is **NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**STEPHEN BISBEE
8144 WALNUT HILL LANE
WALNUT GLEN TOWER
DALLAS, TEXAS 75231.**

Chris Cowan
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret Turner
Appeals Judge